IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2603 of 2005

Between:

Toddy Tappers Co-operative Society, Endapalli, Velgatur Mandal, Karimnagar District (Regd.NO.482/TQ)
rep. by its Vice-President, Tanugula Jagadeeshwar, S/o Ramulu, age 32 yrs, Occ: Agriculture & Business, R/o Endapalli Village of Velgatur (M), Karimnagar District.
..... PETITIONER

AND

1 The District Collector (Excise), Karimnagar.
2 The Commissioner, Prohibition & Excise, Narayanguda, Hyderabad.
3 The Superintendent, Prohibition & Excise, Karimnagar.
4 Bongoni Rajesham, s/o Venkaiah,
5 Bongoni Thirupathi, s/o Venkaiah,
6 Bongoni Thirupathi, s/o Bhoomaiah,
7 Busarapu Kistaiah, S//o Narayana,
8 Gajula Anjaiah, S/o Chandraiah,
9 Busarapu Venkatesham, S/o Narayana,
10 Busarapu Bhomaiah, S/o Narayana,
(Respondents 4 to 10 are the Agriculturists and Business, R/o Rajarampalli H/o Endapalli (V), Velgatur (M), Karimnagar District).

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order,direction or writ more in the nature of writ of mandamus declaring the action of the respondents in not considering the representation dt. 30-1-2005 submitted to the respondents 2 and 3 opposing the constitution of separate Co-operative Society for Rajarampalli and sanction of toddy shop at Rajarampalli , H/o Endapalli Village of Velgatur Mandal in Karimnagar District as bad, illegal, arbitrary and to set aside the same or be pleased to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.C.RAMESH SAGAR

Counsel for the Respondent No.: GP FOR COOPERATION

The Court, at the stage of admission, made the following :

ORDER:

Petitioner is a Taddy Tappers Co-operative Society, Endapalli Village, Velgatur Mandal, Karimnagar District. Its area of operation is said to be co-extensive with the boundaries of the revenue village, including the hamlet, by name, Rajarampalli. Petitioner alleges that recently respondents 4 to 10, who were the members of the society, hailing from the hamlet Rajarampalli, have submitted their resignations and have taken steps to get a separate TCS registered for the said hamlet.

Mrs.K.Vasanthi, learned counsel for the petitioner, submits that though the hamlet Rajarampalli was constituted as separate Grampanchayat, it has not become an independent revenue village, and in that view of the matter, it is not permissible to constitute a separate TCS, that too, by carving out from the area of operation of the petitioner society.

Learned Government Pleader for Excise submits that the respondents 1 to 3 have not yet taken any decision, and it is too early for the petitioner to apprehend any action adverse to its interest.

In the ordinary course of things, the areas of operation of TCS are required to be coextensive with the limits of revenue village. The circumstances under which the respondents 4 to 10 have resigned, or as to the feasibility and permissibility of constitution of a separate TCS for a Grampanchayat are not before this Court. The petitioner relies upon a letter, dated 27-01-2005, addressed by the Mandal Revenue Officer, Velgatoor, to the 3rd respondent, clarifying that though Rajarampalli was constituted as a separate Grampanchayat, it still forms part of revenue village of Endapalli. The petitioner also claims to have submitted a representation, dated 30-01-2005, to the respondents 2 and 3, in this regard. The respondents 2 and 3 are required to take the same into account before any steps are taken for constituting a separate TCS for Rajarampalli.

Hence the writ petition is disposed of directing respondents 2 and 3 to take into account and consider the representation, dated 30-01-2005, before any permission is accorded for constitution of a separate TCS for Rajarampalli. There shall be no

order as to costs.

17-02-2005

L.NARASIMHA REDDY, J

MJL/TS

To

1 The District Collector (Excise), Karimnagar.
2 The Commissioner, Prohibition & Excise, Narayanguda, Hyderabad.
3 The Superintendent, Prohibition & Excise, Karimnagar.
4. 2 CCs to G.P. for Co-operation, High Court Buildings, Hyderabad.

5. 2 CD copies.